

### REMARKS

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 3-8 are pending in the present application. The Examiner is respectfully requested to reconsider and withdraw his rejections in view of the amendments and remarks as set forth below.

#### **I. Claim Rejections Under 35 U.S.C. § 102**

Claims 1-5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Davidson. This rejection is respectfully traversed.

At the outset, Applicant notes that Claims 1 and 2 have been cancelled. Furthermore, Claim 3 has been amended to include the limitation that the seat bottom is "movable between a seating position generally perpendicular to said seatback and a folded upright position opposing said seatback such that a top surface of said seat bottom is disposed opposite a front surface of said seatback." Applicant submits that the side mounted arm rest of Davidson '043, first of all, does not constitute a seat bottom within a reasonable interpretation thereof. Applicant submits that the terms "seat bottom" and "seatback" as well as an "arm rest" have obtained a standard meaning in the art. It is widely recognized that an armrest is not a seat bottom within a reasonable interpretation thereof. In order to expedite prosecution of this application, Applicant has added distinguishing language in order to define the seat bottom as being folded in an upright position "opposing said seatback such that a top surface of said seat bottom is disposed opposite a front surface of said seatback." Applicant submits that the armrest 16 of Davidson '043 does not oppose the seatback in an upright position such that a top surface of the seat bottom is disposed opposite a front surface of the seatback, as claimed. Accordingly, it is respectfully submitted

that Claim 3, as amended, is not anticipated by Davidson '043. Therefore, reconsideration and withdrawal of the rejection of Claims 3-5 are respectfully requested.

Claims 1-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Groce et al. This rejection is respectfully traversed.

With respect to the rejection of Claims 1-8 as being anticipated by Groce et al '828, Applicant notes that independent Claims 3 and 6 have been amended in order to define the seatback as "extending transversely to a direction of travel of said vehicle" or the pick-up truck as defined in Claim 6. Furthermore, the inertial latch mechanism is defined as engaging the seat bottom in the folded upright position in response to a rapid deceleration "in a forward direction of travel" of the vehicle or pick-up truck. The Examiner states that "in response to Applicant's argument that Groce et al fails to teach or suggest an inertial latch mechanism . . . in response to a rapid deceleration, Applicant is informed that any sudden lateral impact force applied to a moving vehicle will cause a rapid deceleration of the vehicle. Therefore, the inertial latch of Groce et al would act to engage the seat bottom in the folded position, upon the rapid deceleration of the vehicle due to a lateral force." With regard to the Examiner's assertion, Applicant submits that the lateral impact force referred to by the Examiner would cause a rapid acceleration as opposed to a rapid deceleration, as claimed. Furthermore, the claims as amended define the rapid deceleration as being "in a forward direction of travel" of the vehicle or pick-up truck. Applicant submits that the disclosure of Groce et al fails to teach or suggest this feature as claimed. Therefore, reconsideration and withdrawal of this rejection of Claims 3-8 are respectfully requested.

## II. Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding office action, and as such, the present application is in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at (248) 641-1600 or Roland A. Fuller, III at (248) 576-8017.

Prompt and favorable consideration of this amendment is respectfully requested.

Respectfully submitted,

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